

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|------------------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION |
| |) | NO. 14-14261-ADB |
| |) | |
| ONE CHECK IN THE AMOUNT OF |) | |
| \$47,000 PAYABLE TO BRIAN DEIORIO, |) | |
| SEIZED ON NOVEMBER 21, 2014, |) | |
| WHICH REPRESENTS CURRENCY |) | |
| PREVIOUSLY SEIZED FROM 39 |) | |
| KEAYNE STREET, REVERE, |) | |
| MASSACHUSETTS ON MAY 24, 2012, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

August 13, 2015

BURROUGHS, D.J

The United States has filed an “Assented-To Motion to Extend Deadline for Filing Opposition to Claimant’s Motion to Dismiss and Request to Vacate Order Dismissing Case.”

[Dkt. 14.] The Court rules on this motion as follows:

In its motion, the United States has not set forth an adequate justification for its failure to respond to Claimant’s Motion to Dismiss in a timely manner or to file a timely motion for an extension of time. Although a family emergency may warrant an extension of time, the motion does not provide a sufficient basis for the Court to make a reasoned determination. Additionally, counsel should have requested an extension before the relevant deadline had passed. The United States has also not offered any reason why another attorney in the office could not have filed a response to the motion or sought an extension. Further, the suggestion that opposing counsel is in

any way to blame for the Government's lapse or that the lapse was justified by a past spirit of cooperation is misplaced.

It should go without saying that failing to meet deadlines or otherwise comply with the applicable rules can jeopardize litigation and compromise a party's position. Also, not meeting deadlines shows a lack of respect for opposing parties and counsel, as well as the Court.

On the assumption that the United States will be more careful going forward and given that this motion is assented-to, the Court hereby vacates the order of August 5, 2015, granting Claimant's Motion to Dismiss as unopposed [Dkt. 12], and will give the United States until August 28, 2015 to respond to Claimant's Motion to Dismiss.

SO ORDERED.

Dated: August 13, 2015

/s/ Allison D. Burroughs
Allison D. Burroughs
United States District Court Judge